

ADDITIONAL INFORMATION

Commissioning a work of art

Organizations that propose commissioning an artist to undertake a project that involves the creation of artwork as part of the project will need to submit a contract or letter of agreement that outlines the responsibilities agreed upon by both the organization and the artist. This agreement should be signed by both parties and submitted as part of the support materials. The agreement can be made contingent upon receiving funding for the project.

The document should contain the following information:

- Who will do the project, and what is the scope of responsibilities for the project.
- Who will own any artwork produced as part of the project, and who will own the rights to reproduce the work for marketing or fundraising purposes.
- When the artwork will be completed and delivered, and a contingency plan for unforeseen circumstances.
- A payment schedule. Artists should be paid one-third to one-half of the agreed-on amount at the start of the project, and the remaining amount upon completion and delivery. If the project is complex, and has a large budget, several payments can be made at key junctures in the process, such as a payment after design sketches are approved by the commissioning organization.

One example of an agreement can be found on the e-grant web site. A sample of the contract used by the Nebraska Arts Council to commission artists under the 1% for Art program is also available upon request.

Organizations should also be aware of the Visual Artists Rights Act of 1990 (known as “VARA”). This federal law outlines specific rights artists have in copyright law. Artists may waive some or all of these rights in a contract, particularly if an artwork is created for non-commercial purposes involving a not for profit organization. The text of VARA can be found in 17 U.S.C. § 106A (general text); and § 101 (works for hire). Contact your local library for how to access the U.S.C. [United States Code] or you can refer to the Library of Congress site: www.loc.gov or to the Cornell University website: www.law.cornell.edu.

It is always advisable to contact an attorney if you need assistance with legal issues.

Advocacy

Successful projects are built through a combination of private funds, such as contributions from local businesses or support organizations such as the PTO/PTA, and public funds, which are the grants you receive from the Nebraska Arts Council. It is important to make the case for the public benefit of tax dollars spent on the arts. Consider every arts project you undertake as an opportunity to express to your elected officials the important role the arts play in economic development, the education of our children and adult citizens and the quality of life we experience in Nebraska.

Here are several steps that you can take to ensure that public funds will always be available for arts projects and events in Nebraska:

- Invite your elected officials to your arts events and programs. Make sure they are on your mailing list, and remember to update that list after elections. Elected officials include your state senator, your mayor, city council members, county commissioners, school board members and Nebraska’s congressional delegation.
- When officials come to your event, take a moment to publicly acknowledge them and thank them for their support.
- Write or email your elected officials to tell them about your project and thank them for their support of public funding for the arts. The hometown point of view counts the most. It is the local voice that gets the message through to legislators. When legislators talk about the issues, their comments inevitably turn into a report on what the constituents are saying, so it is worth making the effort to communicate with them.

If you are unclear about who your local, state or Congressional officials are, here are some sources that can help you:

- www.nebraska.gov is the official website for the state of Nebraska. On the home page, click on *Your Government*, which will then route you to local, state and federal government.
- Over two-thirds of Nebraska’s counties have websites, which can be accessed through www.nebraska.gov/counties/phtml. Each county site provides a complete listing of elected officials.
- Your local phone directory will have a “blue pages” section that lists local, county, state and federal government sources.
- If your project is school-based, the school administration will have a list of school board members, or key in the school district’s name into a search engine such as Google. Most Nebraska school districts have websites that can provide you with detailed information.
- If you know your senator or member of the House of Representatives, his or her name may also be keyed into Google, or go to www.senate.gov or www.house.gov.